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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/722,315      | 11/25/2003  | Ruth Schaefer Gayde  | LUTZ 2 00239        | 9300             |

48116 7590 06/13/2006

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EXAMINER

RAMOS FELICIANO, ELISEO

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2617

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/722,315             | GAYDE ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Eliseo Ramos-Feliciano | 2617                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Art Unit – Notice*

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### *Claim Objections*

2. Previous objection to the claims is withdrawn in view of Applicant's amendment filed March 27, 2006.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 4-6, 12 and 15-17** are rejected under 35 U.S.C. 102(b) as being anticipated by Parikh et al. (US Patent Number 6,408,177).

Regarding **claims 1 and 12**, Parikh et al. discloses a method and system for anonymous call redirection in a wireless network, the method and system including:

receiving (and means for receiving) a call from a first device (101 – Figure 2) of a first party (100) to a second device (106) of a second party (107), the second device being a wireless device (140 – Figure 5);

attempting (and means for attempting) to deliver the call to the second device (when the caller places the call that action is in fact an attempt to deliver the call to the second device – column 7, lines 16-20);

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determining (and means for determining) if the call is an anonymous call (e.g. CLID not available) (150, 155 – Figure 5; column 7, line 65);

forwarding (and means for forwarding) a call to an intelligent peripheral (call management system / voicemail) if the call is an anonymous call (column 8, lines 1-2);

requesting (and means for requesting) identification information (phone number and/or name) from the first party (151, 153 – Figure 5; column 8, lines 3-10);

receiving (and means for receiving) the identification information (152, 154 – Figure 5; column 8, lines 3-10);

attempting (and means for attempting) to deliver the call to the second device (156/157 – Figure 5; call subscriber);

notifying (and means for notifying) the second device of the call (156/157 – Figure 5; provide subscriber with caller's name);

requesting (and means for requesting) connection information (selected option from menu) from the second party and whether the second device will receive the call (provide menu to subscriber to select whether or not to receive/take the call – 157 Figure 5; menu in Figure 7a; column 8, lines 8-15);

receiving (and means for receiving) the connection information (user makes selection/decision to whether or not receive the call or handle in special manner as per menu in Figure 7a; column 8, lines 8-15; column 9, lines 10-12); and,

selectively connecting (and means for selectively connecting) the call based on the connection information (connect the call based on selected option, e.g. take call (#1) or send to voicemail (#2, #3), etc – Figure 7b; column 8, line 1 to column 9, line 12).

Regarding **claims 4 and 15**, Parikh et al. discloses everything claimed as applied above (see *claims 1 and 12*). In addition, Parikh et al. discloses that determining if the call is an anonymous call includes accessing a database module (the data base record structure for call records maintained by the call management system is depicted in Figure 7a; col. 3, lines 22-23).

Regarding **claims 5-6 and 16-17**, Parikh et al. discloses everything claimed as applied above (see *claims 1 and 12*). In addition, Parikh et al. discloses determining if the call is an anonymous call is based on whether calling party information is provided by the first party (Figure 5). And determining if the call is an anonymous call is based on a presentation indicator (CLID – column 7, line 65 to column 8, lines 24).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2-3, 7-11, 13-14, and 18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Parikh et al. (US Patent Number 6,408,177) in view of Cook (US Patent Number 6,889,044).

Regarding **claims 2-3, 7, 11, 13-14, 18, and 22**, Parikh et al. discloses everything claimed as applied above (see *claims 1 and 12*). However, Parikh et al. fails to specifically disclose analyzing a location request message, analyzing a send routing information request message, sending a location request, and wherein the location request takes the form of a send routing information message.

In the same field of endeavor, Cook discloses a method and system for anonymous call redirection in a wireless network, where if ANI (Automatic Number Identification / call ID) is not available (anonymous call) the system generates a location request to the caller (column 4, lines 27-30), upon which the caller sends a location response (e.g. telephone number, GPS coordinates, etc. – column 4, lines 31-34), the response is processed, based on that the system determines routing instructions/information (column 4, lines 35-58). Therefore, the location request takes the form of a send routing information message. The advantage of Cook's invention is to aid a successful registration in which ANI is not available (column 4, line 48). In this manner all parties are properly identified for the further advantage of added security / improved authentication.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Parikh et al. with analyzing a location request message, analyzing a send routing information request message, sending a location request, and wherein the location request takes the form of a send routing information message for the advantage of aiding a successful registration in which ANI is not available, such that all parties are properly identified for the further advantage of added security / improved authentication.

Regarding **claims 8-10 and 19-21**, Parikh et al. and Cook disclose everything claimed as applied above (see *claims 7 and 18*). In addition, the location request does not identify the first party or has a presentation indicator of the first party marked as restricted (CLID/ANI is blocked; therefore, "restricted" as claimed – column 1, lines 19-20 of Parikh et al.). The location request identifies the calling party as a network element, wherein the network element is an intelligent peripheral (mobile/cellular telephone are fairly characterized as "intelligent peripheral" – Figure 2 of Parikh et al. / Figure 1 of Cook).

***Response to Arguments***

7. Applicant's arguments filed March 27, 2006 have been fully considered but they are not persuasive.

8. Applicant argues that Parikh et al. fails to disclose prior to forwarding a determination made as to whether the call is anonymous; therefore, claims 1 and 12 not anticipated (see page 7 of the response).

In response, claims are given their broadest reasonable interpretation. It is noted that "prior to forwarding" is not recited in the rejected claims. Neither claimed language exclude nor distinctively specify where or by whom each step is performed, including the argued steps. For example, the intelligent peripheral is not barred from determining or forwarding as claimed, as apparently argued by Applicant.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Applicant argues that Cook fails to cure deficiency explained above (see page 8 of the response).

In response, Cook was applied for a different purpose than that argued. Parikh et al. meets the limitations as explained above.

The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

***Conclusion***

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10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ELISEO RAMOS-FELICIANO  
PRIMARY EXAMINER

ERF/erf  
June 9, 2006